

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

EVELYN ALVIR,

Plaintiff,

Hon. Ann M. Donnelly

Civil Action No.: 1:16-cv-03784
(AMD)(RLM)

vs.

AETNA LIFE INSURANCE COMPANY OF
HARTFORD a/k/a AETNA LIFE INSURANCE
COMPANY a/k/a AETNA, INC.

Defendants,

**NOTICE OF VOLUNTARY
DISMISSAL OF DEFENDANTS
AETNA LIFE INSURANCE OF
HARTFORD a/k/a AETNA
LIFE INSURANCE COMPANY
a/k/a AETNA, INC. PURSUANT
TO FRCP 41(a)(1)**

TO: United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Plaintiff, Evelyn Alvir ("Plaintiff"), hereby gives notice of her voluntary dismissal without prejudice of Defendants Aetna Life Insurance Company of Hartford a/k/a Aetna Life Insurance Company a/k/a Aetna, Inc. ("Defendants"), pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

The Defendants have not filed an answer or motion for summary judgment as of this time. In support of this Notice, Plaintiff relies on Rule 41(a)(1) of the Federal

Rules of Civil Procedure and the attached Declaration of Lester D. Janoff.

Plaintiff states as follows:

1. On June 8, 2016, Plaintiff commenced a civil action against Defendants by filing a Summons with Notice in the Supreme Court State of New York, County of Queens, under Index No.: 706732/2016

2. The Summons with Notice claimed that Defendants failed to make payment of benefits under the terms of a Group Health Insurance Plan issued by Defendants.

3. The Summons with Notice claimed damages in the sum of \$250,000.00. However, Plaintiff has reduced that claim to \$49,000.00, and intends to claim that amount in the complaint which will be served after the remand of this case to the Supreme Court of the State of New York, County of Queens.

4. Defendants have not filed an answer or motion for summary judgment. In addition, this case is not subject to Rules 23(e), 23.1(c), 23.2, and 66, nor any applicable federal statute.

5. Consequently, pursuant to Rule 41(a)(1), this action should be dismissed without prejudice and without a Court Order by the filing of the within Notice.

WHEREFORE, for the foregoing reasons, by the filing of the within Notice, the within action is dismissed, without prejudice, and remanded to the Supreme

Court of the State of New York, County of Queens.

Respectfully submitted,

Dated: August 18, 2016



LESTER D. JANOFF
lesjanlaw@yahoo.com
200 Broadhollow Road- Suite 207
Melville, New York 11747
631-393-5037/516-595-7403 Fax
Attorney for Plaintiff
Evelyn Alvir

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COMPANY a/k/a AETNA, INC.

CERTIFICATE OF SERVICE

Defendants,

I, Lester D. Janoff, hereby certify that, on the date set forth below, I caused a true and correct copy of the following documents submitted on behalf of Plaintiff, Evelyn Alvir, to be served via electronic filing upon the Clerk of the United States District Court for the Eastern District of New York:

- Notice of Voluntary Dismissal of Defendants Aetna Life Insurance Company of Hartford a/k/a Aetna Life Insurance Company a/k/a Aetna, Inc; and
- Notice to Clerk of Supreme Court of Voluntary Dismissal of Action and Remand
- This Certificate of Service

I further certify that, on the date set forth below, I caused a true and correct copy of the aforementioned documents to be served via Federal Express Overnight Mail upon Defendants' counsel at the following address:

Patricia A. Lee
CONNELL FOLEY LLP
888 7th Avenue, 9th Floor
New York, New York 10106

I certify under penalty of perjury that the foregoing is true and correct.

Dated: August 18, 2016



LESTER D. JANOFF